

**MINUTES
CITY OF CANANDAIGUA
PLANNING COMMISSION
May 14, 2019**

PRESENT: Vice Chairman Stanley Taylor Commissioner Adrienne Kantz
 Commissioner Jeff Ayers Commissioner Lindsay Pennise
 Commissioner Anne Beyer Commissioner Guy Turchetti

ABSENT: Chairman Torsten Rhode

ALSO PRESENT: Richard E. Brown, Director of Development & Planning

CALL TO ORDER

Vice Chairman Taylor called to order the Regular Meeting of the City Planning Commission at 7:00 P.M.

APPROVAL OF MINUTES:

Vice Chairman Taylor asked if anyone had any additions or corrections to the April 9, 2019 Meeting Minutes. Commissioner Kantz moved to approve the minutes as submitted. Commissioner Ayers seconded the motion, which carried by unanimous voice vote (6-0).

REVIEW OF APPLICATIONS

ITEM 1 (Public Hearing) Application #19-104: 170 South Main Street, NICK'S CHOPHOUSE, Special Use Permit and Historic Alteration to add rooftop dining to the existing restaurant with two exterior stairs.

Dan Long, the project architect, represented the application. Peter Fabio, the building owner, was also present. Mr. Long said the project involves the creation of a 1,200 SF rooftop deck with an occupancy of 120 people. There are seasonal lavatories added to the roof as well as a small bar area covered by a trellis, the remainder is occupied by tables and chairs for seasonal dining. He said they are still working on code compliance with the City Code Enforcement office.

Vice Chairman Taylor opened the public hearing. There were no speakers. Vice Chairman Taylor closed the public hearing.

Commissioner Pennise asked about the location of the stairs. Mr. Long said the location of the two required stairs is limited. It must be on their property, not over the neighbor's property or over the sidewalk. He said these stairs would be for emergency use only.

Mr. Brown said there are still many building code issues that need to be resolved, but the Planning Commission should proceed considering only the impacts of the land use and the alteration to the historic structure.

Commissioner Pennise confirmed the materials: the stairs will be metal and painted tan to match the building. The elevator shaft would be concrete block, also painted to match.

Vice Chair Taylor asked about the handrail. Mr. Long said this would be 42-inch high, glass panels set in anodized aluminum frame, mounted inside of the parapet wall.

Vice Chair Taylor asked if there would be any additional lighting. Mr. Long said there would be down-lighting in the trellis over the bar and then, only tabletop lights. Commissioner Ayers questioned if this would be sufficient. Mr. Long said there is a lot of light spill downtown.

Vice Chair Taylor asked about music. Mr. Long said any music would end by 11:00 pm, consistent with the city Noise Ordinance.

Vice Chair Taylor noted that in many areas the masonry is in poor condition. Mr. Long acknowledged that they have to repoint the brick in several areas. He said the building is under citation by the Code Enforcement Office.

Vice Chair Taylor asked if a comprehensive engineering report had been completed. Mr. Long said he was not aware of such a study. Vice Chair Taylor said there appears to be a bow in the northern wall. Mr. Long said the deck structure would consist of horizontal I-beams installed across the parapet wall and this would add structural stability to the building.

Commissioner Pennise asked about drainage. Mr. Long said there is an existing roof drain that will still operate under the deck. The deck system will be designed so that sections can be removed to service the drain.

Commissioner Ayers confirmed that servers would also use the elevator with the patrons.

Vice Chair Taylor asked if the sidewalk dining would be removed if the rooftop dining were approved. Mr. Fabio said the sidewalk dining would be removed.

Commissioner Turchetti asked if heaters would be used on the roof. Mr. Long said they would not use heaters.

Vice Chair Taylor said he is opposed to the application since it removes activity from the streetscape. The rooftop dining is hidden out of sight. Mr. Long said that if this is an issue, the sidewalk dining can remain.

Vice Chairman Taylor asked if there were any additional comments or questions from the commission. Hearing none, he called for a motion.

Commissioner Pennise moved that the Planning Commission Approve the application as submitted and presented. Commissioner Ayers seconded the motion, which carried with a vote of 5-1.

Commissioner Ayers	Voting	YES
Commissioner Beyer	Voting	YES
Commissioner Kantz	Voting	YES
Commissioner Pennise	Voting	YES
Commissioner Taylor	Voting	NO
Commissioner Turchetti	Voting	YES
Chairman Rhode	Absent	

ITEM 2 **(Public Hearing) Application #19-106: 800 South Main Street, NEW YORK KITCHEN, Special Use Permit and Site Plan Review to install a second seasonal tent.**

Bethany DiSanto, the General Manager, represented the application. She said the New York Kitchen is a non-profit organization focused on education and engagement of people across the state. She said they are trying to add attractions that will increase visitor traffic and tourism, thereby adding to the local economy.

Mandy Hagadorn, the Marketing Manager, spoke about the tent. She first apologized for the fact that the tent was already under construction. She said she was not aware they needed board approval. With the Inn on the Lake down for the summer, they are concerned with the loss of a number of large events including the Thompson Health gala and the Rochester Ballet soiree. They would like to host these events in the additional tent. The existing tent holds 120, the new tent will hold 250.

Vice Chairman Taylor confirmed that the proposal was only to use the tent for the 2019 season.

Vice Chairman Taylor opened the public hearing.

Steve Howie, resident of 11 Lakeshore Drive, said he has concerns regarding pedestrian safety. Most of the visitors will park in the Wegmans lot and cross the street where there is no crosswalk. He said the area is very congested and such crossings will be dangerous. He said he is also concerned about the noise from the increased outdoor activity.

Seeing no one else, Vice Chairman Taylor closed the public hearing.

Ms. DiSanto said that during the events they would have private security on site and they could help with the pedestrian crossing.

Regarding noise, she said they would abide by the city Noise Ordinance with all music ending by 11:00 pm.

Commissioner Pennise asked if they had enough bathrooms. Ms. DiSanto said they would bring in portable toilets for the larger events.

Commissioner Ayers said the area does have traffic and parking problems. Commissioner Turchetti agreed and said the crossing here is difficult. Ms. DiSanto agreed that there is a need for an improved crosswalk here.

Commissioner Pennise asked if there was a long-term plan for the pedestrian crossing in the area. Vice Chair Taylor asked Mr. Brown if he would take this concern to the City Manager.

Commissioner Turchetti asked if they could use the Inn on the Lake site for parking. A representative from the IOTL said that, due to the construction activity, this is not an option.

Commissioner Pennise asked if they allowed parking on the driveway into the IOTL. Ms. DiSanto said they do not permit this; often there are customers from Nolan's.

Commissioner Ayers noted that the wires from the grape arbors could be a hazard because they are difficult to see. Ms. DiSanto agreed and said that these are being removed for a different display.

Vice Chairman Taylor asked if there were any additional comments or questions from the commission. Hearing none, he called for a motion.

Commissioner Turchetti moved that the Planning Commission Approve the application as submitted and presented. Commissioner Pennise seconded the motion, which carried with a vote of 6-0.

Commissioner Ayers	Voting	YES
Commissioner Beyer	Voting	YES
Commissioner Kantz	Voting	YES
Commissioner Pennise	Voting	YES
Commissioner Taylor	Voting	YES
Commissioner Turchetti	Voting	YES
Chairman Rhode	Absent	

ITEM 3 **(Public Hearing) Application #19-107: 800 South Main Street, NEW YORK KITCHEN, Special Use Permit and Site Plan Review to operate a food truck from the site.**

Bethany DiSanto, the General Manager, represented the application. She said they have an existing mobile food truck that they would like to locate on site to provide a unique option for healthy, walk-up eating. There would be no alcohol served. After getting their food, people could sit in their gardens or walk along to the Pier. They would operate on Fridays and Saturdays, as well as summer holidays. She said it would not compete with the existing vendors on the Pier or brick-and-mortar restaurants. She said she had email correspondence of support from local restaurants.

Vice Chairman Taylor confirmed that the proposal was only for the 2019 season.

Vice Chairman Taylor opened the public hearing. Seeing no one, he closed the hearing.

Commissioner Ayers asked that trash receptacles be located near the truck. Ms. DiSanto said they would and noted that all the trash would be compostable.

Vice Chairman Taylor confirmed that there would be no music.

Commissioner Ayers confirmed there would be no additional signage.

Vice Chairman Taylor asked if there were any additional comments or questions from the commission. Hearing none, he called for a motion.

Commissioner Beyer moved that the Planning Commission Approve the application as submitted and presented. Commissioner Pennise seconded the motion, which carried with a vote of 6-0.

Commissioner Ayers	Voting	YES
Commissioner Beyer	Voting	YES
Commissioner Kantz	Voting	YES
Commissioner Pennise	Voting	YES
Commissioner Taylor	Voting	YES
Commissioner Turchetti	Voting	YES
Chairman Rhode	Absent	

ITEM 4 (Public Hearing) Application #19-114: 113 North Main Street, ANDREW CORLEY, Special Use Permit to operate two short-term rental units from one existing apartment of his two-family home.

Andrew Corley, resident of 113 North Main Street, represented the application. He said the property is a multi-family house; he lives in half and would like to rent out the other half as a short-term rental.

Vice Chairman Taylor opened the public hearing.

Keith Laird, 117 North Main, asked how parking would be provided. He said he had concerns with the cars parking and driving close to his house. He said that a car from this property hit and damaged his house.

Seeing no one else, Vice Chairman Taylor closed the hearing.

Mr. Corley addressed the parking. He said the property has a long driveway that extends to a detached garage. He parks in the garage, but there is a double-width driveway at this point and four cars can be easily stacked at the end of the driveway. He said the driveway then connects to a parking lot for an office on Brook Street. This lot was recently subdivided off from his

property, but he has an agreement to cross the property to get to Brook Street. He said stacked cars would not be trapped because there are two points of egress.

Commissioner Pennise asked how renters were screened. Mr. Corley said that Airbnb provides some screening, requiring ID, etc.

Mr. Turchetti asked if Mr. Corley resides at the property. Mr. Corley said that he does.

Vice Chairman Taylor suggested that an additional parking area be created off the driveway. Commissioner Ayers disagreed. He said there was plenty of paved surface for parking and he did not want to require additional paving.

Vice Chairman Taylor said he felt parking would be a problem and he was disappointed that parking was not being improved as a condition of approval.

Vice Chairman Taylor asked if there were any additional comments or questions from the commission. Hearing none, he called for a motion.

Commissioner Ayers moved that the Planning Commission Approve the application as submitted and presented. Commissioner Turchetti seconded the motion, which carried with a vote of 5-1.

Commissioner Ayers	Voting	YES
Commissioner Beyer	Voting	YES
Commissioner Kantz	Voting	YES
Commissioner Pennise	Voting	YES
Commissioner Taylor	Voting	No
Commissioner Turchetti	Voting	YES
Chairman Rhode	Absent	

ITEM 5 **Application #19-117: 128 Park Place, ROBERT WIED, Historic Alteration to install a picket fence along the western property line.**

Robert Wied represented the application. He said that the primary purpose of the fence was to contain a dog they recently adopted. He said he has already purchased a section of fence and he has been experimenting with the best location.

Commissioner Pennise said she is concerned with how close the fence would be to the neighbor's house, she wondered if they would even be able to maintain pass through in this area to mow the lawn. Commissioner Ayers agreed.

Commissioner Pennise said she is opposed to vinyl fencing in the historic district. She said it is a beautiful home in a beautiful neighborhood and she thinks the vinyl fence would detract from the character. Commissioner Ayers agreed. Commissioner Kantz also agreed, she said she likes the design, but not the material.

Mr. Wied said the vinyl material is very durable and will look better longer than a wooden fence.

Commissioner Turchetti noted that the fence would be subject to limited visibility from the street. Vice Chairman Taylor agreed, saying that only the short section facing Park Place would be readily visible.

Commissioner Pennise asked if he had considered an invisible fence. Mr. Wied said that they had used one in the past and it was not very effective. He also said that the fence was to be used as a landscape feature for gardens he was planning.

Mr. Wied suggested using a wooden fence on the section facing Park Place and the rest would be vinyl. Commissioner Turchetti said this might be a good compromise.

Vice Chairman Taylor asked if there were any comments or questions from the commission. Hearing none, he called for a motion.

Commissioner Turchetti moved that the Planning Commission Approve the application as submitted and presented, with the following condition:

1. The short section of fence facing Park Place shall be wooden. The remainder may be wood or vinyl.

Commissioner Kantz seconded the motion, which carried with a vote of 5-1.

Commissioner Ayers	Voting	YES
Commissioner Beyer	Voting	YES
Commissioner Kantz	Voting	YES
Commissioner Pennise	Voting	No
Commissioner Taylor	Voting	YES
Commissioner Turchetti	Voting	YES
Chairman Rhode	Absent	

ITEM 6 Application #19-118: 137 Howell Street, JOHN and JULIE WINN, Historic Alteration to extend paved driveway to existing carriage house and replace carriage house doors.

Julie Winn represented the application. She said they would like to make the existing carriage house more functional as a garage by extending the driveway to the building and adding mechanical, overhead doors. These new doors would have the appearance of traditional, sliding doors. She said the doors would also be painted to match the existing doors.

Commissioner Kantz said she liked the design of the doors and said that it was not necessary to paint to match. Often carriage houses would have different colors from the main house.

Commissioner Ayers said that due to the grade of the property, the pavement extension would not be visible from the street.

Vice Chairman Taylor asked if there were any comments or questions from the commission. Hearing none, he called for a motion.

Commissioner Pennise moved that the Planning Commission Approve the application as submitted and presented. Commissioner Ayers seconded the motion, which carried with a vote of 6-0.

Commissioner Ayers	Voting	YES
Commissioner Beyer	Voting	YES
Commissioner Kantz	Voting	YES
Commissioner Pennise	Voting	YES
Commissioner Taylor	Voting	YES
Commissioner Turchetti	Voting	YES
Chairman Rhode	Absent	

ITEM 7 **Application #19-121: 230 South Main Street, THE CHOSEN SOCK, Historic Alteration to install a 3 SF projecting sign, 7 SF window sign, and display a 6 SF portable sign.**

Eugene McFarland represented the application.

Vice Chairman Taylor confirmed the location of the sign and the mounting bracket.

Commissioner Ayers said he did not like the mounting location. He said he thought the sign should be mounted on the signboard of the storefront.

Mr. McFarland said it needed to be mounted at a height to be 11 feet above the sidewalk. He said this is similar to the location of the Rheinblick German Restaurant next door.

The board discussed the location for the Rheinblick sign.

Commissioner Kantz confirmed the materials of the portable sign: metal frame with a corrugated plastic insert.

Vice Chairman Taylor asked if there were any comments or questions from the commission. Hearing none, he called for a motion.

Commissioner Turchetti moved that the Planning Commission Approve the application as submitted and presented, with the following condition:

1. The projecting sign shall be installed halfway between the northernmost window and the building edge, such that the sign is 10 feet above the sidewalk.

Commissioner Pennise seconded the motion, which carried with a vote of 6-0.

Commissioner Ayers	Voting	YES
Commissioner Beyer	Voting	YES
Commissioner Kantz	Voting	YES
Commissioner Pennise	Voting	YES
Commissioner Taylor	Voting	YES
Commissioner Turchetti	Voting	YES
Chairman Rhode	Absent	

ITEM 8 **Application #19-124: 117 North Main Street, KEITH LAIRD, Historic Alteration to demolish a detached garage, construct a fence and repaint involving a change of color.**

Keith Laird, the homeowner, represented the application. He said they have owned the house since 2001 and have slowly made renovations. He presented a rendering of the house with the proposed color scheme. He said they would like to demolish the garage. It is in very poor condition and currently unusable since the neighbor installed a fence. He said the garage is not original; the house is 1880s and the garage is probably 1930s. No new garage would be constructed to replace it. He would also like to install a wooden fence on the southern boundary to match the existing fence on the northern boundary.

Mr. Laird said he would also like to replace all the windows; there are more than 40 in total. He proposes a solid vinyl window. The exterior frames would be a dark brown color. He displayed photos that showed the condition of the existing windows. There are aluminum storms on the exterior, some windows are already vinyl replacements, some are deteriorated with poor repairs attempted. He believes even the existing wooden windows are not original to the home. He proposes a divided light on the replacement windows that is similar to the design of some of the oldest porch windows. The dividers would be on the inside and the outside of the glass.

Mr. Laird said the vinyl windows are about \$800 each and when he looked at wooden, replacement windows, they were an additional \$200 each.

Commissioner Pennise said she was fine with vinyl windows under these circumstances. Commissioner Turchetti said he thought the replacements would look more like the original, historic design. Commissioner Ayers agreed.

Vice Chairman Taylor asked if there were any comments or questions from the commission. Hearing none, he called for a motion.

Commissioner Ayers moved that the Planning Commission Approve the application as submitted and presented. He made this motion with the following findings:

1. Many of the windows are not original.
2. The windows are severely deteriorated.
3. The cost of replacement in kind is excessive.
4. Replacement windows will allow the removal of aluminum storm windows.
5. Replacement windows with divided lights will present a more historic appearance than the existing windows.

Commissioner Pennise seconded the motion, which carried with a vote of 6-0.

Commissioner Ayers	Voting	YES
Commissioner Beyer	Voting	YES
Commissioner Kantz	Voting	YES
Commissioner Pennise	Voting	YES
Commissioner Taylor	Voting	YES
Commissioner Turchetti	Voting	YES
Chairman Rhode	Absent	

WORK SESSION

ITEM 1 39 Coach Street, PEACEMAKER BREWING COMPANY, Special Use Permit, to operate a tasting room within the existing building.

Todd Reardon, the business owner, represented the application. He said they are considering purchasing the former Coach Street Clay building and moving in his brewery and tasting room. Minimal changes are needed for the interior. There would be seating for about 50 people. Hours would be no later than 10 pm. He said a variance is needed because the operation is within 200 feet of a residential area.

Mr. Reardon said he is also looking to possibly purchase the building to the east (35 Coach) for the brewing operation. If that doesn't work out, he will brew at 39 Coach. He also said he is looking at possibly leasing the grass lot to the west for outdoor activities.

Vice Chair Taylor asked about outdoor music. Mr. Reardon said that might be a possibility, but they that would go no later than 9 pm. Vice Chair Taylor said he would be concerned about the impact to the residents. Mr. Reardon said that outdoor activities would not necessarily be a requirement.

Vice Chair Taylor asked about garbage. Mr. Reardon said their trash production is pretty minimal. The brewing waste is taken by farmers who use the grain. The rest is handled by rolling totes.

Commissioner Pennise asked about bathrooms and accessibility. Mr. Reardon said one additional bathroom would be required. The building is already handicapped accessible with no stairs.

Commissioner Pennise said that parking might be a concern. Commissioner Ayers agreed. Mr. Reardon said most people would park in the municipal lot near Casa de Pasta.

Mr. Reardon said he will return with a formal application at the June meeting.

MISCELLANEOUS

Commissioner Taylor reported on his attendance at the Comprehensive Plan Committee. To date, they have reviewed sections on Transportation, Housing, Parks and Recreation, and Downtown.

Commissioner Kantz reported that the Town's Comprehensive Plan Committee had their first meeting; the purpose was largely organizational at this point.

ADJOURNMENT:

Commissioner Kantz moved to adjourn the meeting at 9:50. Commissioner Turchetti seconded the motion which carried with a unanimous voice vote (6-0).

Richard Brown
Director of Development & Planning

Stanley Taylor, Vice Chairman
Planning Commission Chairman